

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GREGORY HOPFINGER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No. 3:18-cv-00257-NJR-MAB
	)	
CITY OF NASHVILLE,	)	
ILLINOIS, et al.,	)	
	)	
Defendants.	)	

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MELISSA HOPFINGER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 3:18-cv-01523-NJR-MAB
	)	
CITY OF NASHVILLE,	)	
ILLINOIS, et al.,	)	
	)	
Defendants.	)	

**FIRST AMENDED JOINT REPORT OF PARTIES**  
**AND PROPOSED SCHEDULING AND DISCOVERY ORDER**  
**FOR CONSOLIDATED CASES**

Pursuant to Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), an initial conference of the parties was held on December 14, 2018 with attorneys for Plaintiff and Defendants participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34 shall be served on opposing parties in the Melissa Hopfinger v. City of Nashville, Illinois et al matter by February 4, 2019.
2. Plaintiffs' depositions shall be taken by May 31, 2019.

3. Defendants' depositions shall be taken by June 30, 2019.
4. Motions to amend the pleadings, including the commencement of a third party action, shall be filed by March 15, 2019 (which date shall be no later than **90 days** following the Scheduling and Discovery conference).
5. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:  
Plaintiff's expert(s): May 1, 2019  
Defendant's expert(s): June 1, 2019.  
Third Party expert(s): N/A
6. Depositions of expert witnesses must be taken by:  
Plaintiff's expert(s): June 15, 2019.  
Defendant's expert(s): July 15, 2019.  
Third Party expert(s): N/A/.
7. The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties ☐ do ☒ do not anticipate a need for an ESI protocol. The parties shall submit to the Court any joint proposed ESI protocol no later than February 1, 2019. (The protocol shall contain mechanisms for addressing necessary topics concerning ESI to include sources of information, search terms, format of production and preservation of ESI by both Plaintiff(s) and Defendant(s)).
8. **Discovery** shall be completed by October 15, 2019 (which date shall be no later than **115 days** before the first day of the month of the presumptive trial month or the first day of the month of the trial setting). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full **30 days** as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery August 15, 2019 cut-off date.
9. **Interrogatories and depositions.** The parties agree to follow Rule 33 FRCP with regard to interrogatories and agree to 20 depositions per plaintiff and defendants, in the consolidated cases. The parties agree to depose each

witness only once, but reserve the right to take a second deposition by agreement or leave of Court. Parties agree to the 7-hour rule for each deposition, though reserve the right to amend these provisions by agreement given that the consolidation of cases may require an extended time scope for a deposition if the deposition might be used for both cases.

9. All **dispositive motions** shall be filed by November 1, 2019 (which date shall be no later than **100 days** before the first day of the month of the presumptive trial month or the first day of the month of the trial setting). Dispositive motions filed after this date will not be considered by the Court.
10. The parties are reminded that, prior to filing any motions concerning discovery, they must first meet and confer relating to any discovery disputes and then contact the Court to arrange a telephone discovery dispute conference if they are unable to resolve their dispute. If the dispute cannot then be resolved in the first telephonic conference, the Court will establish, with the input of the parties, the mechanism for submitting written positions to the Court on an expedited basis.

DATED: December 17, 2018

/s/ Ferne Wolfe

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Attorney(s) for Plaintiff(s)

/s/ James Nowogrocki

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Attorney(s) for Defendant(s)

/s/ Michael Atkus

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Attorney(s) for Defendant  
Fletcher